

CASE NO. 12-57302

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

CINDY LEE GARCIA,
Plaintiff-Appellant,

vs.

GOOGLE INC. and YOUTUBE, LLC,
Defendants-Appellees.

**DECLARATION OF TIMOTHY L. ALGER IN SUPPORT OF APPELLEES
GOOGLE INC. AND YOUTUBE, LLC'S
MOTION TO RESCHEDULE ORAL ARGUMENT**

On Appeal from the United States District Court
for the Central District of California
Hon. Michael W. Fitzgerald, District Judge
District Court Case No. CV-12-8315-MWF (VBKx)

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Google Inc. and YouTube, LLC

I, Timothy L. Alger, declare as follows:

1. I am an attorney licensed to practice before the courts of the state of California and this Court. I am a partner at Perkins Coie LLP, and lead counsel for Defendants-Appellees Google Inc. and YouTube, LLC (collectively, “YouTube”) in this case.

2. On March 28, 2013, I received the Court’s order setting oral argument in this case for June 3, 2013, at 9:30 a.m. in Pasadena, California.

3. I have a nonrefundable family vacation to Italy scheduled for June 2 through 18, 2013, which conflicts with the date currently set for oral argument, and which cannot be rescheduled without imposing substantial personal and economic hardship.

4. I am former Deputy General Counsel at Google Inc., where I directed the company’s litigation. I have represented YouTube since the beginning of this case, and I am intimately familiar with the relevant facts and law. My clients consider me to be the appropriate attorney to present oral argument in this case on behalf of YouTube.

5. Should the Court wish to advance oral argument, I am available on any date before June 2, 2013. I also am available for oral argument on any date

after June 19, 2013, with the exception of July 29 through August 9, 2013, during which time I will be on my honeymoon.

6. I exchanged emails today with Cris Armenta, counsel for Plaintiff-Appellant Cindy Lee Garcia. She indicated that she would not support a continuance to a later date, but she does not object to advancing the hearing to May. Ms. Armenta informed me she had conflicts on May 2-3, and May 7, and expects to be in trial the weeks of June 17 and July 8.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 29th day of March, at Palo Alto, California.

/s/ Timothy L. Alger

Timothy L. Alger

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF System on February 15, 2013.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF System.

DATED: March 29, 2013

/s/ Timothy L. Alger

Perkins Coie LLP

Attorneys for Appellees
Google Inc. and YouTube, LLC